

DISABILITY RIGHTS FROM ISLAMIC PERSPECTIVE

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INTRODUCTION

According to recent United Nations ("UN") reports,¹ the largest minority group in the world are people with disabilities. About 15% of the world's population or one billion people belong to this group. The World Health Organisation (WHO) reports that this population is increasing due to advances in medical technology, population growth and the aging process.²

The above statistics may help in explaining the recent uptick in the attention paid to disability related issues. More specifically, the rights of people with disabilities have sparked interest in how religion fits into cultural perspectives on the phenomenon of disability. The Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, which focuses in part on religion, is just one of many UN texts that address this issue.³ Studies on the relationship between disability and religion are gaining popularity worldwide.⁴ This relationship relates to

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¹ United Nations, 'Factsheet on Persons with Disabilities', <https://www.un.org/development/desa/disabilities/resources/factsheet-on-persons-with-disabilities.html> accessed on 15, August, 2022.

² 'Factsheet on Persons with Disabilities'.

³ UN's Standard Rules on the Equalization of Opportunities for Persons with Disabilities, Rule 12, <https://www.un.org/development/desa/disabilities/standard-rules-on-the-equalization-of-opportunities-for-personswith-disabilities.html#:~:text=Although%20not%20a%20legally%20binding,for%20technical%20and%20economic%20cooperation.>> accessed on 15 August, 2022.

⁴ Otieno, P. A. 'Biblical and Theological Perspectives on Disability: Implications on the Rights of Persons with Disability in Kenya' Disability Studies Quarterly, (2009), 29.

how people with disabilities are viewed in religious settings, how those religions' sacred texts provide for them, or how religions generally contribute to the conversation about disability. Islam, as one of the most accepted religions in the world, is not exempt from this point of view. Therefore, there is a need to examine the perspective of Islam and or Islamic Law in the discourse of the rights of people living with disability through the Islamic legal sources.

BRIEF BACKGROUND ON ISLAM AND ISLAMIC LAW

Islam is an Arabic word derived from a root that signifies both peace and submission. It means that you can find peace in this world and the next by submitting to Allah, or in other words, by doing what He commands.⁵ Muslims live out their faith through daily actions inspired primarily by Qur'anic teaching, serving as a model for living the life that Allah intended.

Islam holds that all human beings as well as their institutions are one.⁶ This stems from belief in monotheism (Tawheed) that is, belief in the oneness of Allah from whom everything originates. Human institutions are viewed as small parts of the wider scope of human existence which itself comes from the Will of the Creator. Thus, Islam sees a sense of unity between worship and deeds, and between practical and spiritual aspects of life.⁷

From the earliest days of Islam, the Prophet (s.a.w.) instilled in his followers brotherhood and faith, both of which assisted in the development of close relationship among them that was further entrenched by their experiences of persecution as a young community in Makkah.⁸

⁵ Khan M.Z., 'Islam and Human Rights', (Punjab: Nazarat Nashr-o-Isha'atqadian, 2017), p.15.

⁶ Ibid 19

⁷ Qutb, S. 'Social Justice in Islam' (J. B. Hardie & H. Algar's Translation. New York: Islamic Publication International, 2000) p. 65.

⁸ 'Islam and Human Rights' 17.

When the Prophet (s.a.w.) moved to Medina in 622 C.E, his teachings were universally accepted and the state of the Islamic Society emerged. Islam at this early stage developed its own unique ethics as a religion that combined the spiritual and temporal aspects of life and sought to regulate not only the individual's relationship with others but also his religious relationship with Allah.⁹ Therefore, Islamic law as well as Islamic religious institutions exist.

- There are two main aspects of Islamic law that is, *al-Ibaadah* and *al-Muamalat*. Al-Ibaada is part of Islamic jurisprudence responsible only for religious observance. Al-Mu'amalat, on the other hand, provides rules governing all aspects of fiqh that are not considered as strictly al-ibaadah, including aspects of commercial transactions and Islamic finance.¹⁰

As the primary source of information regarding religious obligations, the Qur'an is also the primary source of Islamic law governing family life, business relationships, physical and mental health issues, as well as crime. The second source of Islamic law after the Holy Qur'an is the Sunnah, which transmits the words, teachings, opinions, actions and lifestyles of Prophet Muhammad (s.a.w.).¹¹ The purpose of Sunnah is to validate the words of the Quran by applying the verses in practice. The Hadiths were collected by the Prophet's companions and later confirmed by Islamic scholars, who also used the tools of al-Qiyas (analogical reasoning) and al-ijma (consensus of jurists) when interpreting the Qur'an and Sunnah. In summary, there are four sources accepted by traditional theories of Islamic law to wit: al-Quran, Sunnah, al-Qiyas (analogical reasoning), and al-Ijma (consensus of Scholars).

There are four main schools of jurisprudence that is, the Hanafiyyah, Malikiyyah, Shafi'iyyah, and the Hanbaliyyah, named after their founders. Each school developed its own method of deriving rules from

⁹ 'Social Justice in Islam', 70.

¹⁰ Hallaq W., 'The origins and evolution of Islamic law', (New York: Cambridge University Press, 2005), 45. ¹¹ Hadidi M., 'Educational programs for children with special needs in Jordan', *Journal of Intellectual & Developmental Disability*, (1998), 24.

the above four scriptural sources. Using a process called *al-ijtihad* (analogical deduction), the school provides a pluralistic interpretation of the Qur'an and Sunnah, forming religious and civil law guidance.¹¹

ISLAM AND SOCIAL JUSTICE

Generally speaking, social justice can be attributed to political, economics and legal concepts, but the Islamic version is more condensed towards egalitarian aspects that include, charity, fairness, non-discrimination and social welfare of members of the society.¹²

All human values are based on the idea that every human being is capable of reaching the pinnacle of moral and spiritual development and that his personality must be respected. The diversity that exists in terms of things like race, colour, language, wealth, physical and mental health etc. All of which contribute to society in their own unique and important ways is acknowledged in the Qur'an, and people who are thoughtful and knowledgeable are aware that these are signs from Allah.¹³

There is no doubt that people with disabilities do not live in isolation of the society; in fact, they are an integral part of it. The hale and hearty can become disabled in a matter of moments, and unless the society is already structured or ordered, discrimination may be unavoidable in that state. This orderliness is not unconnected with a society's sense of justice, fairness, and equity. Islam has shown over time that it is the most complete set of rules for living, surviving, and making plans for the future because of the awareness it has already created through the scriptures.¹⁴ It does not simply comprehend the need of how to run the economic system of the society; rather, it places a strong emphasis on the requirement of how to carry out justice in an appropriate manner.

¹¹ Hallaq W 'The origins and evolution of Islamic law', (New York: Cambridge University Press, 2005), 45

¹² Sabri C., 'Islam, Social Justice, and Democracy', Kansas State University Journal, (2014), p. 5.

¹³ Al-Qur'an Chapter 30:23.

¹⁴ Shakeel A.S, 'Concepts of Social Justice: An Islamic Perspective', European Journal of Business and Management (EJBM), (2016), p. 22.

It emphasises world peace through social justice. This is clear from the text of the Glorious Qur'an, where Allah says:

Surely Allah enjoins the doing of justice and the doing of good (to others) and the giving to the kindred, and He forbids indecency and evil and rebellion; He admonishes you that you may be mindful.¹⁵

With the advent of Islam, all ideas based on innate inequality became history. With a variety of methods and consistent persistence, Islam presented to the world the notion that everyone is equal and that everyone is entitled to the same social status and equal rights, regardless of external differences.¹⁶ No one is superior or inferior. Indeed, the most superior among equals is the most pious. In the Holy Qur'an, Allah says:

O you men! surely We have created you of a male and a female, and made you tribes and families that you may know each other; surely the most honorable of you with Allah is the one among you most careful (of his duty); surely Allah is Knowing, Aware.¹⁷

To further stress the importance of non-discrimination, the Prophet (s.a.w.) in his farewell message to the Muslim ummah had the following to say as reported by Jabir ibn Abdullah (r.a):

The Messenger of Allah, peace and blessings be upon him, addressed us during the middle of the day at the end of the pilgrimage in the farewell sermon. The Prophet said, "O people, your Lord is one and your father Adam is one. There is no virtue of an Arab over a foreigner, nor a foreigner over an Arab, and neither white over black nor black over white,

¹⁵ Al-Qur'an Chapter 16:90.

¹⁶ Asma K. 'Prophet Muhammad and Social Justice: Some Reflections', Journal of Emerging Technologies and Innovative Research (JETIR), (2020), p.277.

¹⁷ Quran Chapter, 49:13.

except by righteousness. Have I not delivered the message?" They said, "Of course, O Messenger of Allah." The Prophet said, "Let the witness inform those who are absent".¹⁸

ISLAMIC PERSPECTIVE ON DISABILITY

To fully understand the perspective of Islam on this concept, it is necessary to compare its Western and Islamic connotations. In the Western world, disability is broadly defined as a physical or mental impairment that significantly limits one or more basic activities of life; such as speaking, walking, hearing, etc.¹⁹ Arabic terminology, as well as Islamic law, lack such a broad definition of disability. There is no generic term in either the Qur'an or the Sunnah that could be equivalent to the generic English term "disability". Instead, both legal sources use specific words to describe specific impairments.²⁰ For instance terms like: *al-a'maa* (the blind) *al-asamm* (the deaf) *al-a'raj* (the lame) *al-majnuun* (the insane) were used. Also, the Qur'an and the Sunnah tend to use adjectives like *ad-da'if* (the weak) *al-marid* (the sick) to describe disabled persons, depending on the context and who is addressed.²¹ It should be quickly noted that these words are totally neutral and devoid of any connotation of stigma, they are simply descriptively used in the Islamic legal sources as earlier stated. For instance, Allah says of the blind, the lame and the sick as follows:

There is not upon the blind any guilt or upon the lame any guilt or upon the ill any guilt. And whoever obeys Allah and His messenger, He will admit him to gardens beneath which

¹⁸ Muhammad bn Ahmad Al-Qurtubi, *Al-Jami' lilAhkam al-Qur'an*, 16/342.

¹⁹ Rothstein L. & Rothstein J., *Disabilities and the law* (3rd ed.), St. Paul 2006), p.3.

²⁰ Bazna M. & Hatab T., 'Disability in the Qur'an: The Islamic alternative to defining, viewing and relating to disability', *Journal of Religion, Disability and Health*, (2005), p. 6.

²¹ 'Disability in the Qur'an: The Islamic alternative to defining, viewing and relating to disability', p.13.

rivers flow but whoever turns away, He will punish him with a painful punishment.²²

Now, regarding Islam's view on disability in general, Islam teaches that people are created differently. If anything, the fact that we are different in color, mentality and ability is considered in Islam as one of the many beauties of Allah's creation. Despite our differences, Allah has decreed that we are destined to find compassion in one another, even mentioning it as one of the main reasons for creation. To this end, Allah says the following in Surah al-Hujurat:

O mankind! Indeed, we have created you from male and female and made you peoples and tribes that you may know one another...²⁴

In Islam, disability is a natural part of being human, not a blessing or a punishment. In addition to this, Islam recognises the limitations that they have, which in turn encourages Muslims to have a compassionate and caring attitude towards others and to provide assistance to those individuals whenever they are in need.²³

Another Islamic view on disability is that Allah has said that the strength of our hearts may be tested.²⁴ Trials from Allah may be from different dimensions. Some may be tested by loss of property, some by an unpleasant experience, someone by a physical condition, like having a disability etc.²⁵

²² Al-Qur'an Chapter 48:17. ²⁴ Al-Qur'an Chapter 49:13

²³ Mohammed G., *Islam and Disability: Perspectives in Theory and Jurisprudence* (London: Routledge, 2010). See also Anwar Hajjaj, "A Review of "Islam and Disability: Perspectives in Theory and Jurisprudence" (2010) 14(4) *Journal of Religion, Disability & Health*, 412-413.

²⁴ Al-Qur'an Chapter 3:154.

²⁵ Gabrieli, F. 'Adab'. In P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel and W.P. Heinrichs (eds.), *Encyclopedia of Islam*, Second Edition. Second Edition. http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/adab-SIM_0293 accessed 17 August 2022.

Rights of Persons with Disabilities under Islamic Law

In the previous heading, the concept of disability and its existence in Islam were discussed. In fact, Islam's perception of disability was clearly visible. Therefore, this particular heading will provide some examples in which the Qur'an and Hadith clarify the rights of persons with disabilities as well as the duty of society to care for them, along with some historical references in Islam. This will mainly be discussed in the light of their religious rights, especially with regard to the privileges (*ar-rukhsah*) for them in Islam, their civil rights; those due to them from the government and from their fellow citizens, as well as their corresponding duties.

To begin with, the rights of individuals with disabilities are a subset of the fundamental rights that all people have by virtue of their humanity. This has turned out to be of worldwide concern, which has resulted in the need for a variety of documents to ensure compliance. These documents have, in turn, been condensed into written and unwritten constitutions of almost all countries of the world.²⁶ However, Islam has had regulations concerning human rights for over 1,400 years.^{27,28} The hallmarks of human rights in Islam are that these rights are a natural consequence of a broader practice of religion, actions, and social behaviour that Muslims believe is divine and of significant religious value.²⁹

Strictly speaking, the Islamic human rights system contains the basic principles of equality, freedom and respect for fellow human beings. Equality in the sense that Islam views all human beings as equal and have the same status, and have the same justice, and the only advantage that a human being has over other human beings as earlier mentioned,

²⁶ United Nations, 'Universal Declaration of Human Rights', <<https://www.un.org/en/about-us/universal-declarationof-human-rights>> accessed 20 August, 2022.

²⁷ Dini, N.I, 'Islamic View of Human Rights', International Journal of Islamic Business Ethics (IJIBE), (2017), 242.

²⁸ Ibid, 245

²⁹ 'Islamic View of Human Rights', op.cit. 245.

is determined only by his or her level of piety. This is according to the Glorious Qur'an in Surah Al- Hujurat which states as follows:

O you men! surely We have created you of a male and a female, and made you tribes and families that you may know each other; surely the most honorable of you with Allah is the one among you most careful (of his duty); surely Allah is Knowing, Aware.³⁰

Therefore, it can be stated that it is the individual, social, and general responsibility of Muslims to respect, protect, and fulfill the human rights of all people, regardless of whether or not they have a disability.³¹ In support of this conclusion, the Holy Qur'an clearly states the following:

O you who believe! Be upright for Allah, bearers of witness with justice, and let not hatred of a people incite you not to act equitably; act equitably, that is nearer to piety, and be careful of (your duty to) Allah; surely Allah is Aware of what you do.³²

Religious rights (*Ar- ukhsah*)

Under Islamic law, freedom of religion and thought is sacred and deeply rooted in its sources. This is to the extent that non-Muslims living in an Islamic country are not persecuted for their thoughts and beliefs. This is in accordance with the provision of Surah Al-Baqarah verse 256 where Allah (s.w.t) expressly states to the effect that there is no compulsion in religion and also in Surah Al-Ma'idah verse 48 where Allah states to the effect that religious diversity is by divine design. This is simply to say that there is religious freedom for non-Muslims living with or without disability. And the Islamic community will not exploit them by depriving them of same as a result of their asylum. This is because the ruling on Surah Al-Baqarah verse 256 is not discriminatory. Islam is not only a

³⁰ Quran Chapter 49:13.

³¹ Muhammed H.M., 'Human Rights and Religion: Islam in Perspective', , Lectio Socialis , (2021), 27.

³² Al-Qur'an Chapter 5:8.

religion of peace, it is a religion of comfort and concern. Thus, for Muslims living with disability, they can enjoy from the concessions that are made for people who have little or no ability to perform religious duties. This is referred to as *Ar-rukhsah* (leniency) under Islamic law. *Ar-rukhsah* is an indulgence or waiver granted to a *Mukallaf* (a responsible Muslim) in the performance of Allah's commandments in certain situations because of an impediment or any order that allows an exception to the general principle that commands these duties.³³ It can also be seen as an abdication of a duty or performance of a prohibition as a result of extenuating circumstances.³⁴

Permissions of this kind, are the permission to eat forbidden food in emergency situations in order to avoid dying of hunger,³⁵ the prescription of using sand instead of water for ablution (*attayammum*),³⁶ exempting menstruating women, sick people, travelers, pregnant and breastfeeding women from fasting during the month of Ramadan can be called *Rukhsah*. There are Other permissions based on the sayings of the Prophet (s.a.w.), such as denying faith in the event of a danger to life, and so on, are also within this meaning.³⁷ There are also some religious duties that can be waived or reduced on the basis of limited ability or lack of it. These duties include giving alms or zakat and performing religious rites and rituals such as ablution and al-ghusl (spiritual bath). Moreover, under Islamic law, sanity is a prerequisite for the performance of all religious duties. The insane (*al-majnun*), the epileptic (*al-masru'*) and a person in the state of comatose (*almaghmiyy 'alayhi*) are not expected to perform any religious duties.³⁸ This is in line with the hadith of the Prophet to the effect that the pen of responsibility is lifted upon the insane until he becomes sane, the

³³ Ishak M.I., & Ibrahim B. 'Forms of Rukhsah for Prayer in critical situations', International Journal of Academic Research in Business and Social Sciences, (2020), 361.

³⁴ Forms of Rukhsah for prayer in critical situation, p. 362.

³⁵ Al-Qur'an Chapter 5:3.

³⁶ Al-Qur'an Chapter 4:43 & 5:6.

³⁷ Kister M.J, 'Concession and Conduct: A study in early hadith' in Juynboll G.H.A (ed.) Studies on the First Century of Islamic Society, (Southern Illinois University Press 1982), 103.

³⁸ Concessions and Conduct: A Study in Early hadith', 105.

sleeper until he wakes up, and the infant until he reaches the age of majority.³⁹

In essence, it can be concluded from the foregoing that when inability makes the performance of a particular religious' duty difficult or impossible, such a person has the right to use other means acceptable in Islam that are less difficult for his particular situation.

Civil Rights

Strictu Sensu, civil rights are those rights that guarantee equal social opportunity and protection by law, regardless of race, religion, personal characteristics, or disability.⁴⁰

Consequently, the right to justice, equality, security, and protection of human dignity are among the indispensable civil rights in Islam. These rights are supplemented by more rights such as social solidarity, the right to education and property, and freedom from slavery.⁴¹ It is therefore, understandable when some people argue that many of the rights recognised and guaranteed in the Universal Declaration of Human Rights ('UDHR') are rights granted in Islam more than 1,400 years ago.⁴² There are other rights that can be discussed under this heading, but they are more of rights between individual members of a state than those that are claimable from the government, although, the government may be involved where individuals fail, neglect or refuse to grant them to their fellow citizens. These will be discussed under the succeeding heading.

³⁹ Concessions and Conduct: A Study in Early hadith', 107.

⁴⁰ Hamlin R., 'Civil Rights', (2022), <<https://www.britannica.com/topic/civil-rights>> accessed August 19, 2022.

⁴¹ Asma Kounsar, "Prophet Muhammad and Social Justice: Some Reflections" 7 (2) Journal of Emerging Technologies and Innovative Research (JETIR), (2020), 278.

⁴² Prophet Muhammad and Social Justice: Some Reflections, 280

Civil Rights from the Government

According to Islamic law, as was previously mentioned, people with disabilities are regarded as being on an equal footing with those without them, naturally with some concessions as may be required. As a result, the government is obligated to accord them equivalent treatment in terms of the fundamental civil rights that fall under its dispensation. The government is meant to ensure the recognition and equality of all individuals before the law, as well as non-discriminatory enforcement of the law.⁴³ Allah (s.w.t) rebuked the Prophet (s.a.w), when he turned away from the blind. This is what is stated in the following ruling from the Holy Qur'an:

He frowned and walked away because the blind man approached him! However, for all you know, (O Muhammad), he may have grown in purity, or been reminded [of the truth], and this reminder helped him. As for him who thinks he is self-sufficient - you have all your interest in him, though you are not responsible for his failure to attain purity; As for the one who came to you full of longing and dread, you ignore him! Nay! surely it is an admonishment.⁴⁴

It follows that, people have the right not to be discriminated against because of a disability and that they also have the right to educational resources just like every other person. An initial reading of these verses suggested that people with disabilities should be treated with dignity and given the same opportunities as people without disabilities. Deeper analysis however, reveals more. The verses imply that the value of a sincere seeker of God even though weak or disabled, is greater than the value of one who is unaware of God, regardless of how wealthy, physically strong or powerful he may be. This is a further illustration of piety being the ultimate salvation as indicated by Allah.⁴⁵

⁴³ "Islam and Human Rights" 102.

⁴⁴ Al-Qur'an Chapter 80:1-11.

⁴⁵ Al-Qur'an Chapter 49:13.

In addition to providing equal opportunity, the government, and particularly the judiciary, is required to administer justice equally to all parties who come before it, regardless of any differences in physical appearance, ethnicity, or religion. Judges are urged to maintain objectivity and apply a rigorous standard of fairness in their rulings. On this, Allah says:

'..and when you judge between people, judge with justice. Definitely excellent what God admonishes you! God is Hearing and Seeing.⁴⁶

There should be no attempt to influence the outcome of justice through bribery or,⁴⁷ by providing false evidence.⁴⁹ Hostility towards people with disabilities, or anyone else, should not incite a Muslim, Muslim community, or Islamic state to act unfairly or unjustly towards them.⁴⁸ Islam recognises the individual's right to own property alone or in association with others, and gives it full protection.⁴⁹ Just like everyone else, the Islamic State must protect the property of people with disabilities. In the same vein, they are also entitled to share in the privileges that emanate from the public treasury as any other person.⁵⁰ There are other rights that can be discussed under this heading, but they are rights among the individuals of the state more than those claimed by the government, though the government may be involved when individuals fail, neglect, or refuse to grant them to their own citizens. These will be discussed under the following heading.

Civil Rights from Fellow Citizens

A society cannot exist without people, who have certain responsibilities to each other in order to ensure a favorable, peaceful and harmonious co-existence. This is even truer in Islam, where every

⁴⁶ Al-Qur'an Chapter 4:59.

⁴⁷ Al-Qur'an Chapter 2:159. ⁴⁹ Al-Qur'an Chapter 25:73.

⁴⁸ Al-Qur'an Chapter 5:9.

⁴⁹ "Islam and Human Rights" 156.

⁵⁰ "Islam and Human Rights" 61.

Muslim is considered the brother of another.⁵¹ Therefore, there are certain rights that Muslims owe to themselves as members of their various societies, regardless of physical fitness, race, religion or intellectual capacity.

One of the most important rights that one person owes to another is the right to life. Muslims do not have the power to commit suicide, talk more of talking the lives of others. Thus, the right to life is considered sacred and everyone must aim to protect the life of another person regardless of race, religion, physical or mental attributes. Allah (s.w.t) says in the Qur'an:

...and do not kill the soul which Allah has forbidden except for the requirements of justice; this He has enjoined you with that you may understand.⁵²

Furthermore, Muslims are required to protect the honor of others by not calling them names or mocking them as a result of their weakness. The Qur'an provides that:

O you who believe! let not (one) people laugh at (another) people perchance they may be better than they, nor let women (laugh) at (other) women, perchance they may be better than they; and do not find fault with your own people nor call one another by nicknames; evil is a bad name after faith, and whoever does not turn, these it is that are the unjust.⁵³

This presupposes that Muslims should not engage in the mockery of another person, regardless of the physical incapability that person possesses, and they should not label people living with disabilities with

⁵¹ Maysaa S. Bazna & Tarek A. Hatab, 'Disability in the Qur'an: The Islamic Alternative to Defining, Viewing and Relating to Disability' 9(1) Journal of Religion, Disability & Health, (2005), 12

⁵² Al-Qur'an Chapter 6: 151.

⁵³ Al-Qur'an Chapter 49:11.

their particular incapacitations. Allah has referred to those who engage in such behavior as unjust.

Also, it is elementary in Islam that any property bestowed upon Muslims are but a trust from Allah, and one would be accountable for its expenditure. As part of those expenditures, Allah has decreed a portion for the poor, the needy and the less privileged. Allah says in the Qur'an:

And in their property was a portion due to him who begs and to him who is denied (less privileged).⁵⁴

Although, as mentioned earlier, it is not every person living with disability is poor or in need, the number of those that are in need however, seems to be more than those who do not. Hence, Muslims are encouraged to spend out of their means on those who, by Allah's design, are incapable of fending for themselves or who require funds for a particular surgical operation or treatment.

Religious duties of people living with disability

For every right, there is a corresponding duty.⁵⁵ Under Islamic Law, there are obligations and expectations for people with disabilities. The aforementioned headings contain an articulation of their expectations from the government as well as their fellow citizens. Their specific obligations are inextricably linked to Allah's overarching demand that Muslims should demonstrate patience when faced with suffering and adversity of any kind.⁵⁶ Thus, when someone is faced with any trial by any means and wants to win Allah's favor and protect himself from evil, he should accept the threshold of Allah while exhibiting patience and fortitude. Islamically, all trials, whether the loss of wealth, a job, a limb, or anything else, serve to remind us that this world and everything in it is transient and ephemeral and that our hearts should be attached to

⁵⁴ Al-Qur'an Chapter 51:19.

⁵⁵ Gewirth, A., 'Duties to Fulfill the Human Rights of the Poor' In: Pogge, Thomas (ed.): Freedom from Poverty as a Human Right. Who Owes What to the Very Poor? (Oxford: University Press, 2007), 45.

⁵⁶ Al-Qur'an Chapter 2:177.

Allah (s.w.t). In a narration by Anasbn Malik (r.a) the Prophet (s.a.w) was reported to have said:

Verily, Allah said, 'If I deprive my slave of his two beloved things (i.e., his eyes) and he remains patient, I will let him enter Paradise in compensation for them.⁵⁷

CONCLUSION

The purpose of this paper was to examine the Islamic legal sources in order to derive the Islamic perspective on disability rights. From the foregoing, it is possible to draw the conclusion that the term "disability" does not carry the same broad connotation in Islamic law as it does in the Western or conventional World. In contrast, it has provided the term "disadvantaged or less privileged" as a generic term that includes disabled people.

As a comprehensive religion, Islam does not overlook the needs of any segment of the society, particularly those who require special consideration, such as parents, neighbours, travellers, orphans, or the less privileged, among others. We have found that they are entitled to certain protections from the state and from their fellow citizens, as they carry out their religious and day-to-day activities. Furthermore, it is evident that they equally have a duty or obligation to be patient in their travails in accordance with the decree of Allah (s.w.t).

The Islamic philosophy of disability is humane, equitable, and progressive, in contrast to a global historical experience that has often featured negative views of disability and alienation of individuals with disability. The abhorrence and moral irrelevance of discriminating against the disabled, as well as the affirmative rights that are given to those with disabilities, are virtues that are evident in Islam. However, in Muslim countries of today, there is a lot of work to be done to raise awareness and meet the needs of people with disabilities.

⁵⁷Sahih Bukhari, Book of Patients, Vol. 7 (English) Book 70, Hadith 557.